

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 9/30/24
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DONNA VESTUTI,	:	
	:	
Plaintiff,	:	
	:	24-CV-4039 (VEC)
-against-	:	
	:	<u>ORDER</u>
MARRIOTT INTERNATIONAL, INC.,	:	
MARRIOTT WORLDWIDE CORPORATION	:	
and ROYAL ST. KITTS BEACH RESORT	:	
LIMITED,	:	
Defendants.	:	
-----	X	

VALERIE CAPRONI, United States District Judge:

WHEREAS on September 4, 2024, Defendant filed a Motion to Dismiss, *see* Dkt. 24;

WHEREAS on September 23, 2024, Plaintiff filed a letter (the “Letter”) requesting an adjournment of the Initial Pretrial Conference and the associated deadline to submit the proposed case management plan, *see* Dkt.25;

WHEREAS the Letter stated “plaintiff[] intent[ed] to file a second amended complaint,” but did not state whether Defendants consented to the filing;

WHEREAS on September 24, 2024, Plaintiff filed the redlined version of the Second Amended Complaint (“SAC”), along with an exhibit, *see* Dkt. 27;

WHEREAS Rule 15 of the Federal Rules of Civil Procedure provides that a “party may amend its pleading once as a matter of course,” Fed. R. Civ. P. 15(a)(1), and Plaintiff amended the Complaint on August 15, 2024, *see* Dkt. 16;

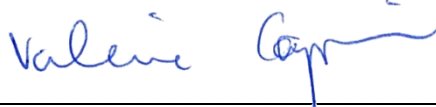
WHEREAS Rule 15 requires that “[i]n all other cases, a party may amend its pleading only with the opposing party’s written consent or the court’s leave,” Fed. R. Civ. P. 15(2); and

WHEREAS Plaintiff filed the SAC without moving for leave and without stating whether Defendants consented.

IT IS HEREBY ORDERED that Plaintiff must either move for leave to file the SAC or file a letter indicating that Defendants consent to the filing by no later than **October 4, 2024**.

SO ORDERED.

Date: September 30, 2024
New York, NY



VALERIE CAPRONI
United States District Judge